

V. REMARKS

Claims 1-7 are rejected under 35 USC 103 (a) as being unpatentable over Muir et al. (U.S. Patent Application Publication No. 20050192090) in view of Ozaki et al. (U.S. Patent No. 7,204,753). The rejection is respectfully traversed.

Muir discloses a gaming machine display which includes a game playing arrangement mountable in a cabinet of a gaming machine and an electronically controlled display element overlying the game playing arrangement, in use, so that, depending on a state of the display element, the game playing arrangement is visible through the display element. The game playing arrangement includes a mechanical, symbol-carrying arrangement. The symbol-carrying arrangement has a set of rotatable mechanical reels with a plurality of symbols being arranged on an outer periphery of each reel. The display element has a display screen overlying the game playing arrangement. The display screen is a multi-layered structure that includes a monitor on which images are to be displayed. The monitor overlies a shutter mechanism.

Ozaki teaches a game machine that has a back side display unit composed of reels for displaying back patterns and a front side display unit composed of transparent EL panels for displaying overlapping patterns overlapping with the back patterns. The back side display unit and the front side display unit are disposed not to produce blind spot regions of the back patterns. The game machine can provide various overlapping patterns with good visibility and a high game selection capability to a player.

In rejecting claims under 35 U.S.C. §103, the United States Patent and Trademark Office bears the initial burden of presenting a *prima facie* case of obviousness. Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. "A *prima facie* case of obviousness is established if the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art." In re Bell, 991 F.2d 781, 782, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993) quoting In re Rinehart, 531 F.2d 1048,

1051, 189 U.S.P.Q. 143, 147 (CCPA 1776). The mere fact that the prior art *may* be modified in the manner suggested by the Examiner neither makes the modification *prima facie* obvious or obvious unless the prior art suggested the desirability of the modification. The test for obviousness is what the combined teachings of the references would have suggested to one of ordinary skill in the art. The conclusion that the claimed subject matter is obvious must be supported by evidence, as shown by some objective teaching in the prior art or by knowledge generally available to one of ordinary skill in the art that would have led the individual to combine the relevant teachings of the references to arrive at the claimed invention. If the Examiner fails to establish a *prima facie* case of obviousness, the rejection is improper and will be overturned.

Examiners must make appropriate rejections regarding the obviousness of claimed inventions in light of the recent Supreme Court's decision in KSR International Co. v. Teleflex Inc., 127 S.Ct. 1727, 82 USPQ2d 1385 (2007). The familiar factual inquiries announced by the Supreme Court in its much earlier decision, Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), remain the basis for every decision regarding obviousness, i.e., Examiners will continue to consider:

- (1) the scope and content of the prior art,
- (2) the differences between the claimed invention and the prior art,
- (3) the level of ordinary skill in the pertinent art, and
- (4) objective evidence relevant to the issue of obviousness.

Claim 1 is directed a gaming machine that includes a cabinet, at least one decoration panel disposed on the front of the cabinet, a display device including a mask panel having a plurality of display windows provided therethrough, the display device mounted on the front of the cabinet and adjacent the at least one decoration panel, the mask panel defining an imaginary plane, a plurality of rotary reels operative to rotate about a common axis of rotation and positioned in a juxtaposed manner inside the

cabinet, each one of the plurality of rotary reels having a plurality of symbols disposed on respective outer peripheries thereof, forward most ones of the plurality of symbols being visible through respective ones of the display windows and at least one light source unit disposed inside of the cabinet and behind the at least one decoration panel with the at least one light source unit extending longitudinally along and about a longitudinal axis and including an elongated illuminating lamp and an elongated reflection plate positioned adjacent the illuminating lamp and with the illuminating lamp and the reflection plate extending parallel to one another and to the common axis of rotation.

Claim 1 recites that the at least one decoration panel is illuminated by light illuminating from the illuminating lamp and the forward most ones of the plurality of symbols are illuminated by the light illuminating from the illuminating lamp and by light illuminating from the illuminating lamp reflected from the reflection plate, the at least one light source unit is disposed apart from the display windows and longitudinally contacts the imaginary plane and the illuminating lamp and the reflection plate are arranged so that the plurality of symbols are illuminated by light emitted from the illuminating lamp and by reflected light being light emitted from the illuminating lamp and reflected by the reflection plate.

It is respectfully submitted that that none of the applied art, alone or in combination, teaches or suggests the features of claim 1. Specifically, it is respectfully submitted that the applied art fails to teach an elongated reflection plate as claimed in claim 1. Furthermore, it follows that the applied art also fails to teach that the illuminating lamp and the reflection plate are arranged so that the plurality of symbols are illuminated by light emitted from the illuminating lamp and by reflected light being light emitted from the illuminating lamp and reflected by the reflection plate as recited in claim 1. Thus, it is respectfully submitted that one of ordinary skill in the art could not combine the features of the applied art to arrive at the claimed invention because the applied art is devoid of all the features of the claimed invention. As a result, it is respectfully submitted that claim 1 is allowable over the applied art.

Claim 2 depends from claim 1 and includes all of the features of claim 1. Thus, it is respectfully submitted that the dependent claim is allowable at least for the reason claim 1 is allowable as well as for the features it recites.

Claim 3 is directed to a gaming machine that includes a cabinet, a display device having a mask panel formed with a plurality of display windows extending therethrough with the display device provided on the front of the cabinet and with the mask panel defining an imaginary plane, a first decoration panel and a second decoration panel disposed apart from one another on the front of the cabinet with the display device positioned therebetween and extending parallel to the imaginary plane, a plurality of rotary reels operative to rotate about a common axis of rotation and positioned in a juxtaposed manner inside the cabinet with each one of the plurality of rotary reels having a plurality of symbols disposed on respective outer peripheries thereof and with forward most ones of the plurality of symbols being visible through respective ones of the plurality of display windows, a first light source unit disposed inside of the cabinet and behind the first decoration panel with the first light source unit extending longitudinally along and about a first longitudinal axis and including an elongated first illuminating lamp and an elongated first reflection plate positioned adjacent the first illuminating lamp such that the first decoration panel is illuminated by light illuminating from the first illuminating lamp and the forward most ones of the plurality of symbols are illuminated by the light illuminating from the first illuminating lamp and by light illuminating from the first illuminating lamp reflected from the first reflection plate with the first longitudinal axis extending parallel to the common axis of rotation and a second light source unit disposed inside of the cabinet and behind the second decoration panel with the second light source unit extending longitudinally along and about a second longitudinal axis and including an elongated second illuminating lamp and an elongated second reflection plate positioned adjacent the second illuminating lamp with the second longitudinal axis extending parallel to the first longitudinal axis and the common axis of rotation.

Claim 3 recites that the second decoration panel is illuminated by light

illuminating from the second illuminating lamp and the forward most ones of the plurality of symbols are illuminated by the light illuminating from the second illuminating lamp and by light illuminating from the second illuminating lamp reflected from the second reflection plate. Claim 3 also recites that the mask panel is disposed between the first light source unit and the second light source unit with the first light source unit being disposed apart from the display windows and longitudinally contacting the imaginary plane and with the second light source unit being disposed apart from the display windows and longitudinally contacting the imaginary plane. Additionally, claim 3 recites that the first light source unit and the second light source unit are arranged so that the plurality of symbols are illuminated by light emitted by the first and second illuminating lamps and by reflected light being light emitted from respective ones of the first and second illuminating lamps and reflected by respective ones of the first and second reflection plates.

It is respectfully submitted that that none of the applied art, alone or in combination, teaches or suggests the features of claim 3. Specifically, it is respectfully submitted that the applied art fails to teach an elongated first reflection plate and an elongated second reflection plate as claimed in claim 3. Furthermore, it follows that the applied art also fails to teach that the first light source unit and the second light source unit are arranged so that the plurality of symbols are illuminated by light emitted by the first and second illuminating lamps and by reflected light being light emitted from respective ones of the first and second illuminating lamps and reflected by respective ones of the first and second reflection plates as recited in claim 3. Thus, it is respectfully submitted that one of ordinary skill in the art could not combine the features of the applied art to arrive at the claimed invention because the applied art is devoid of all the features of the claimed invention. As a result, it is respectfully submitted that claim 3 is allowable over the applied art.

Claim 4 is directed to a gaming machine that includes a cabinet, at least one decoration panel disposed on the front of the cabinet, a display device including a mask panel formed with a plurality of display windows provided therethrough with the display

device mounted on the front of the cabinet and with the mask panel defining an imaginary plane, a plurality of rotary reels with each having a plurality of symbols on an outer periphery thereof with the symbols being visible through the display windows and with the plurality of rotary reels operative to rotate about a common axis of rotation and positioned in a juxtaposed manner inside the cabinet, at least one light source unit for illuminating the at least one decoration panel from the inside of the cabinet with the at least one light source unit extending longitudinally along and about a first longitudinal axis and with the first longitudinal axis extending parallel to the common axis of rotation and at least one reflection unit for guiding the light emitted from the at least one light source unit.

Claim 4 recites that the at least one reflection unit is disposed adjacent the at least one light source unit, extends along and about a second longitudinal axis with the second longitudinal axis extending and parallel to the first longitudinal axis and the common axis of rotation. Claim 4 further recites that the at least one reflection unit is arranged to guide the light emitted from the at least one light source unit to illuminate the plurality of symbols provided on the rotary reels. Also, claim 4 recites that the at least one light source unit and the at least one reflection unit is disposed apart from the display windows with the at least one light source disposed between the at least one reflection unit and the display windows and the at least one light source unit and the at least one reflection unit longitudinally contact the imaginary plane. Furthermore, claim 4 recites that the at least one light source unit and the at least one reflection unit are arranged so that the plurality of symbols are illuminated by light emitted from the at least one light source unit and by reflected light being light emitted from the at least one light source and reflected by the at least one reflection unit.

It is respectfully submitted that that none of the applied art, alone or in combination, teaches or suggests the features of claim 4. Specifically, it is respectfully submitted that the applied art fails to teach at least one reflection unit as claimed in claim 4. Furthermore, it follows that the applied art also fails to teach that the at least one light source unit and the at least one reflection unit are arranged so that the plurality

of symbols are illuminated by light emitted from the at least one light source unit and by reflected light being light emitted from the at least one light source and reflected by the at least one reflection unit. Thus, it is respectfully submitted that one of ordinary skill in the art could not combine the features of the applied art to arrive at the claimed invention because the applied art is devoid of all the features of the claimed invention. As a result, it is respectfully submitted that claim 4 is allowable over the applied art.

Guidelines promulgated by the United States Patent and Trademark Office (Federal Register, volume 72, number 195, October 10, 2007) note that Patent Examiners must continue to explain the reasoning that leads to a legal conclusion of obviousness when rejecting claims on that ground. The reasoning may still include the established Court of Appeals for the Federal Circuit standard that a claimed invention may be obvious if the examiner identifies a prior art teaching, suggestion, or motivation (TSM) to make it. However, in keeping with the KSR decision, the guidelines explain that there is no requirement that Patent Examiners use the TSM approach in order to make a proper obviousness rejection. Furthermore, the guidelines point out that even if the TSM approach cannot be applied to a claimed invention that the invention may still be found obvious.

To help Examiners make obviousness rejections that are supported by appropriate facts and reasoning, the guidelines identify a number of rationales suggested by the Supreme Court in the KSR decision. For each rationale, the Guidelines explain the underlying factual findings, and provide guidance about how to reason from the facts to the legal conclusion of obviousness.

Based upon the guidelines, the Examiner must articulate the following:

(1) a finding that the prior art included each element claimed although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference;

(2) a finding that one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element in the early would have performed the same function as it did separately;

(3) a finding that one of ordinary skill in the art would have recognized that the results of the combination were predictable; and

(4) whatever additional findings based on the *Graham* factual inquiries may be necessary, in view of the facts of the case under consideration, to explain a conclusion of obviousness.

It is respectfully submitted that, with regard to the independent claims, the Examiner has failed to find that the prior art includes each claimed element as required under paragraph (1) set forth above. None of the prior art, alone or in combination, teaches or suggests the claimed features of the invention.

In the final Office Action, the Examiner provides newly-cited Ozaki et al. (U.S. Patent 7,204,753) and explains that Ozaki et al. teaches of a reflection plate disposed within the gaming machine, wherein the light emitted from the illuminating source and is reflected by the reflection plate to illuminate symbols. But, the light reflected by the reflection plate is not directed to the symbols. In the portion (column 19, lines 14-32), pointed out by the Examiner, the light emitted from the light source 26 is reflected by a reflective plate 25, but the reflected light does not illuminates the symbols, that is a back side display device 2, nor the light emitted from a light source directly illuminates the back side display device 2.

Accordingly, it is respectfully submitted that none of Ozaki et al. and Muir et al. discloses the illumination of the light reflected by the reflective plate on the symbols.

Further, it is respectfully submitted that since the Examiner has failed to find that the prior art includes each claimed element of the independent claims, paragraphs (2), (3) and (4) cannot be satisfied.

Based upon the above, it is respectfully submitted that the Examiner cannot support the Graham factual inquiries as required under KSR.

Claims 2 and 3 depend from claim 1 and include all of the features of claim 1. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 1 is allowable as well as for the features they recite.

Claims 5-7 depend from claim 4 and include all of the features of claim 4. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 4 is allowable as well as for the features they recite. For instance, each of claims 5-7 recite the feature of at least one reflection unit. As indicated above, the applied art fails to teach a reflection unit or a reflection plate as recited in the claims.

Withdrawal of the rejection is respectfully requested.

It is respectfully submitted that the pending claims are believed to be in condition for allowance over the prior art of record. Therefore, this Amendment is believed to be a complete response to the outstanding Office Action. Further, Applicants assert that there are also reasons other than those set forth above why the pending claims are patentable. Applicants hereby reserve the right to set forth further arguments and remarks supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same, the

Application No. 10/697,261

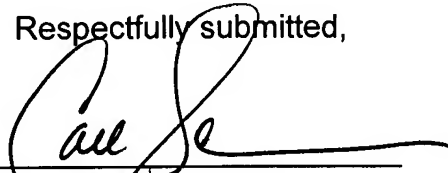
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Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Respectfully submitted,

Date: June 12, 2008

By:



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